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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/949,525 10/14/97 WIENER M ENT970827-1

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LM02/0927

EXAMINER

MEISLAHN, D

ART UNIT

PAPER NUMBER

2767

8

DATE MAILED:

09/27/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/949,525**

Applicant(s)  
**Michael J. Wiener And Josanne M. Otway**

Examiner  
**Douglas Meislahn**

Group Art Unit  
**2767**



☒ Responsive to communication(s) filed on Aug 27, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the CPA filed 27 August 1999 which amended claims 1, 9, 14, 21, and 26. The amendments have overcome the rejection to claim 26 based upon 35 USC 112.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The first step listed in claims 1, 9, 14, and 21 is vague and indefinite. Applicant had suggested reading the claims in view of the specification. However, the examiner does not wish

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to constrict his view of the invention by solely using the exemplary embodiment. This leaves only line 26 of page 3 through line 2 of page 4 for the examiner to rely upon. The examiner is unsure what "... that is selectable on a per client basis ..." modifies. Also, the examiner is not clear on whether the selectable expiry data includes selectable private key expiry data. In the phone conversation of 22 March 1999, Applicant and the examiner had discussed using commas to remedy these ambiguities.

Claims 2-8, 10-13, 15-20, and 22-26 depend respectively from claims 1, 9, 14, and 21 and therefore inherit their deficiencies.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-4, 6-18, 20-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin (5457746) in view of Lewis (5761306).

As can be seen from figure 9 of Dolphin, selectable key expiration and start dates are known in the art of key generation. Figure 9 is a representation of a user interface. It is inherent that the expiry data is stored and associated with the key with which the data is used. Dolphin's system is designed to be used in conjunction with pay-per-use media, which means that it would have the ability to exclude key updates on a per client basis. Elements 81 and 82 of figure 13 demonstrate the idea of requesting from and receiving a key that is generated by a multi-client

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manager unit. Dolphin does not say specifically that the system is for public key updates. Lewis' first and second figures show a public key update system. As can be seen from the first figure, the two clients have different keys which are sent from a server. Official notice is taken that public key certificates that indicate validity periods for keys are old and well-known. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the selectable validity period data of Dolphin to the public key update system of Lewis in order to increase the flexibility of the key update system.

7. Claims 5, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin and Lewis as applied to claims 1, 14, and 25 above, and further in view of applicant's admitted prior art.

Dolphin in view of Lewis teaches the selection of key validity periods on a per client basis. She does not specify a time frame in which a client would request key updates. In lines 14 through 19 of page 2, applicant discusses a conventional public key system in which keys have a fixed default period that is "... generally a fixed percentage or a total key lifetime . . . ." Official notice is taken that fixed length renewal periods are old and well-known. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to set key update periods that are based on both a fixed number of days and a percentage of a key's lifetime. This method provides flexibility by giving clients who have keys that have either extremely long or extremely short lifetimes two options as to when to update their key. For example, if a client had a ten-day key, and the renewal time percentage was ten, the client would only have one day to

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renew the key and could easily miss this window as a result of a weekend. However, if the key was renewable either during the final ten percent of the key's lifetime or during the final three days of the key's lifetime, the exemplary client would not risk missing an update because of a weekend.

***Conclusion***

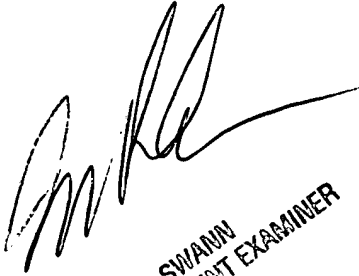
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Meislahn whose telephone number is (703) 305-1338. The examiner can normally be reached Monday-Thursday and every other Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached at (703) 308-7791.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

DJM  
September 23, 1999



TOD R. SWANN  
SUPERVISORY PATENT EXAMINER  
GROUP 2700